

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRINIDAD RUBALCABA,)	
A#: 023-173-748)	
)	
Petitioner,)	
)	
vs.)	No. 08 CV 03798
)	
GLENN TRIVELINE, Field Office Director)	Judge Gettleman
of Immigration and Customs Enforcement;)	
MICHAEL MUKASEY, United States)	Magistrate Judge Brown
Attorney General; MICHAEL CHERTOFF,)	
Secretary of Homeland Security;)	
)	
Respondents.)	

NOTICE OF VOLUNTARY DISMISSAL

NOW COMES, Petitioner, WILLIAM AGUILAR MEJIA, and pursuant to Rule 41(a)(1)(A)(i), files his Notice of Voluntary Dismissal, stating the following:

1. Petitioner filed his emergency petition for a Writ of Habeas Corpus, Writ of Mandamus, and Complaint for Declaratory and Injunctive Relief on July 2, 2008, on the basis of his continued detention by the Government, without a hearing, pending the resolution of his removal proceedings.

2. Subsequent to filing his Petition, counsel for Petitioner, with the cooperation of counsel for the Government, was able to secure the release of Petitioner pending the resolution of his removal proceedings.

3. Federal Rule of Civil Procedure 41(a)(1)(A)(i) provides that the Plaintiff “may dismiss an action without a court order by filing a notice [...] before the opposing party serves either an answer or a motion for summary judgment.”

4. Petitioner is no longer being detained without hearing by the Government.

5. There is currently a briefing schedule in place and a status hearing set for Wednesday, November 12, 2008.

6. Counsel for the Government has been informed of Petitioner's intention to voluntarily dismiss his action.

WHEREFORE, your Petitioner respectfully prays that this Honorable Court enter an order of voluntarily dismissal of his Writ of Habeas Corpus, Writ of Mandamus, and Complaint for Declaratory and Injunctive Relief, without prejudice, and that the status hearing scheduled for Wednesday, November 12, 2008, be stricken from the court's call.

Respectfully submitted,

By: /s/ Daniel W. Thomann
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